

October 4, 2021

The meeting of the Little Creek Town Board was called to order at 7:07 pm by Mayor Glenn Gauvry. Two Commissioners were present, Judy Hegman and Penny Gentry and 4 townspeople, Carol Williams, Bill Clark, Clay Crommett and Doug Hegman.

The minutes of previous meeting were accepted in written form and a motion was made by Judy and seconded by Glenn to accept the minutes. Motion carried.

Judy read the Treasurer's Report and a motion was made by Penny and seconded by Glenn to accept the Treasurer's Report. Motion carried

Judy read a list of bills. A motion was made by Penny and seconded by Glenn to pay all bills. Motion carried

### COMMUNICATIONS

- Email from Alison Kirk, 302 Main St, sharing rental license from Town of Wyoming. Shows how they invoice and what they charged for fees. Something Little Creek could mimic.

### OLD BUSINESS

Hydrology study completed, need to get Duffield the money. Duffield's accountant will call Judy. Judy has not heard from her. Glenn will call Rep. Carson's office for remainder of money and Duffield to send final invoice, but they have not done it. Glenn will contact Carson's office for money. That is what Carson owes us. Still waiting for grant money, it is a state thing, part from Carson and part from grant. \$24,500 from Carson, match, and get that first then the grant money. The money is there.

Glenn did get something from Kyle, attorney handling the Tow Yard, regarding the Tow Yard. The Town lost the case for the Tow Yard. Lost on just about every point that we made, which is shocking. When Glenn gets the report from Kyle he will share it. If Town had went after 6 months we probably would have been fine, but their attorney was able to get 6 month clause thrown out for procedural reasons the Town was trying to work with 12 months. Judge felt that we did not sufficiently showed that he had not been trying to operate the business during that 12 month period. Kyle said that going from 6 to 12 was not a minor thing. Glenn will talk to him this week to find out what is what. Would like to go back at this using the 6 month clause that now legitimately can use and use the last 6 months, which it has been inactive for more than that, but at least inactive for the last 6. Will ask Kyle is this is a wise thing and will get back to the Board. In our Land Development Ordinance that we are going to move forward and pass there is a Sunset Clause built in there, which our Solicitor wrote for us, that is legally correct. Having to do with Conditional Use in a residential area. It is a sunset clause that any conditional use in a

residential area will cease to exist after 2 years. The Tow Yard can exist after 2 years but only as a residential lot and it will have to be handled that way and not as a conditional use after 2 years. So our question to Kyle is to move forward or wait the 2 years. Do not want to wait the additional 2 years in case there is another law or legal loophole that can get them out. If he thinks we have good solid ground for the 6 months and if he learned something from case that would allow him to put together something more iron clad to allow him to move forward would like to go that way. Bill thought that we were taking a step back in filing for the revision of the extended period of time that the nonconforming use was still there. Not able to do that. Depositions were already done and discovery already done. Would have had to throw all that out and file for a new timeframe. He was surprise we moved forward since our notice was not published for the public and we knew we had a losing case. Thought we were going to re-file under the revised timeframe. This has been in motion for the last 2 years. Will talk to Kyle and see what he thinks, have a good case for the 6 months from now moving backward and he feels that we do Glenn will bring back to the Board to see if they want to proceed or not. If not Sunset Clause is built into the new Ordinance and we can go after that way. Tow Yard is fighting disillusion because he wants to leave it to his son. He thinks it is an asset he can leave as a business. The son has jobs elsewhere and they do have property in other places. Are doing some semblance of business in other places, just not in Town. They do owe back taxes the place is grown up with weeds and it's a junk yard. The Judge has pictures of what the property looks like. Have County helping with Ordinances. FEMA wants to see if in flood plain, they are not and FEMA can be of no help. Violation of conditional use and sunset clause.

Stimulus money – agreed to piggy back with other municipalities in Delaware with a law firm who will take a percentage (.04%) from next stimulus money to cover costs. Firm will represent all communities with questions, moving forward etc. to properly take advantage of money, Solicitor agreed with using firm. Now have the ability to get our questions answered as to what we can use the money for and how to use. All board members agreed. Park - use money for whole area, health and safety of our park, to include our building, not the Post Office part, but the Town Board part make it something more suitable for meetings, lights, security, and other things basket ball area. Use money to move whole park area not sure to too many other things we can use it for. Bill will have conversation with the law firm to see if things that need to be done at the park can be or if the funds should be spent some other way. \$8,533.88, half next payment and lawyer fee will come from that. So next payment will be less than \$8,000 next time, cannot use it until we get it. All together about \$15,000 to spend, to benefit the community. If anybody has any suggestions on how to spend get with Carol and Bill. Talk to Doug to see if anything needs to be done to Dog Park to make it easier to maintain. Glenn talked with Alan Angel about company in his district that does shading things and maybe we can get them to donate things to the Town or for a reduce price. Dog Park upgrade, Basketball court, outdated, safety of playground, swings, Town Council meeting room, more lights that come on automatically, extend sidewalk to back door. Improve the visitor experience, and things to maintain and oversee as a town. Extend sidewalk to Town Hall back door. Judy has papers from lawyer and will give copy to Bill.

Glenn went to property by Dog Park and told them to move their vehicle or it would be towed. They did it was moved the following day

Stacy and Theresa not sure what to on other stuff.

Glenn will post new ordinances, Stacy did send Glenn the word document of the Town Ordinances will try to integrate county ordinances, and reference them, in them so they are all together.

Bailey property – County working on. Glenn sent notice to Robles telling him no renters allowed until full inspection, if thinking about selling tell potential buyers no duplexes and if need any help let the Town know. Have not heard back from him.

Land Development Ordinance need to do this the right way. Finished with Jennifer – final copy this week and put in up. Continuity issues that were noted in the last document made in this document. She did ask that we talk to our Solicitor about a few issues that she thought were legal issues, one had to do with fines and sunset clause, he gave language for that. Wanted to build into Ordinance, Non-compete issue that whoever entered into the Economic Development Zone not have a like business. Cannot do that, would not hold up legally in the State of Delaware, and gave a number of cases why it would fail. But if someone comes in and wants to build an ice cream shop 50' from another still up to Town to give them a permit to do that. We cannot build that into the Land Development Ordinance. Would like to have it adopted before end of year. Will post as soon as received. Whole month of October to review proposed changes. Have hearing at November meeting and effective in December. Would like to get notice in as soon as possible. Bill and Glenn to review, look for key things put draft up on web page. She has been doing an excellent job. Will let Penny know as soon as it is posted. Put notice under News and Events that we will be having a public hearing for November. In the mean time up there for people to look at. Give cut-off date to receive comments. Penny will draft notice and there is only one Sunset Clause for conditional use in residential area. The whole ordinance is completely re-written. It is up to the residents to read and make note of the changes. Penny will draft and let Bill and Glen look over. Land Development Ordinance mirroring Watermen's Village template plan book, which will be attached at the end of the ordinances. After draft received make copies for Post Office. As soon as received take to Staples to make copies. Post of Post Office and available on line and hard copy at Post Office.

Carol called Scott Bundeck and asked him what he planned on doing with property. Informed her it was none of the Town's business. If doing anything will file papers. Suing Town Boarding for discussing property in question. Emails being sent around discussing his business not at the board meeting but outside the meeting. Not willing to give information. People who are working on Land Development Ordinances, Glenn asked them about what he wanted to do they he was told by the people working on the Ordinance that this was not permitted and they pointed out the Section to him and the clause will be carried forward into new ordinances, not making more or less difficult moving it forward. Thought a courtesy call would be nice to let the Bundeck's know,

if not aware of clause, make them aware of clause in ordinance. He is correct about it not concerning the Town.

Motion made to adjourn at 7:54 p.m. by Judy and seconded by Glenn. Motion carried.

Respectfully submitted,

Penny J. Gentry  
Secretary